

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

NGM INSURANCE COMPANY,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL CAUSE NO. SA-19-CA-221-FB
	§	
BENCHMARK UTILITY CONTRACTORS,	§	
INC., BENCHMARK FARMS AND	§	
RANCHES, INC.; DANIEC LAND &	§	
CATTLE, INC.; and PAUL A. DANIEC,	§	
	§	
Defendants,	§	
	§	
VS.	§	
	§	
THE CITY OF PLEASANTON, TEXAS,	§	
	§	
Third-Party Defendant.	§	

AGREED JUDGMENT

Before the Court is the Unopposed Motion for Entry of Agreed Judgment filed by the plaintiff on May 26, 2020 (docket #54). Pursuant to various agreements reached by and between all parties to this case, the parties have settled all matters in controversy between them. Plaintiff NGM Insurance Company has requested the entry of an Agreed Judgment based upon the settlement agreement, and the parties have consented to the form and content of this Agreed Judgment by their signatures on the proposed judgment filed with the Court which are incorporated herein for all purposes.

Accordingly, IT IS HEREBY ORDERED that the Unopposed Motion for Entry of Agreed Judgment (docket #56) is GRANTED such that IT IS HEREBY ORDERED, ADJUDGED and DECREED that the plaintiff NGM Insurance Company have and recover, jointly and severally, of and from defendants BENCHMARK UTILITY CONTRACTORS, INC.; BENCHMARK FARMS AND RANCHES, INC.; DANIEC LAND & CATTLE, INC.; and PAUL A. DANIEC damages in the sum of ONE HUNDRED SIXTY-FIVE THOUSAND (\$165,000.00) AND NO/100 U.S. DOLLARS.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that plaintiff NGM Insurance Company have and recover jointly and severally of and from all defendants post-judgment interest on the total judgment amount at the rate of two and sixth tenths (2.60%) percent per annum from date of this Agreed Judgment until the total Judgment is fully and finally paid.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the counterclaim(s) filed by counter-plaintiff BENCHMARK UTILITY CONTRACTORS, INC.; BENCHMARK FARMS AND RANCHES, INC.; DANIEC LAND & CATTLE, INC.; and PAUL A. DANIEC against NGM Insurance Company are DISMISSED WITH PREJUDICE.


IT IS FURTHER ORDERED that all costs of court and attorney's fees incurred through the date of this Agreed Judgment are to be borne by the party incurring same.

IT IS FURTHER ORDERED that plaintiff NGM Insurance Company is allowed such writs and processes as are necessary for the collection and enforcement of this Agreed Judgment.

IT IS FURTHER ORDERED that all motions pending, if any, are also DISMISSED, and this case is CLOSED.

It is so ORDERED.

SIGNED this 9th day of July, 2020.



FRED BIERY
UNITED STATES DISTRICT JUDGE